

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND, ET AL.,

Plaintiffs,

v.

CIVIL ACTION

NO. 03-12609-DPW

DERBES REALTY TRUST,

Defendant.

and

WEYMOUTH CO-OPERATIVE BANK,

Trustee

.

DEFAULT JUDGMENT

WOODLOCK, D.J.

Defendant DERBES REALTY TRUST having failed to plead or otherwise defend in this action and its default having been entered,

Now, upon application of plaintiff and affidavits demonstrating that defendant owes plaintiff the sum of \$31,422.42¹; that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiff has incurred costs in the sum of \$31,422.42, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff recover from defendant DERBES REALTY TRUST the sum of **\$31,422.42**, with interest as provided by law.

By the Court,

/s/ Rebecca Greenberg

¹Damages are itemized as follows: \$13,074.60 in Principal owed to Plaintiffs through August 2002; \$3,592.83 in Pre-Judgment interest on unpaid contributions; \$11,011.16 in Under-payments and interest on late-paid contributions; \$2,614.92 in Liquidated Damages as mandated by 29 U.S.C. §1132(g)(2)(C); \$877.50 in Attorneys' Fees pursuant to 29 U.S.C. §1132(g)(2)(D); and \$251.41 in Costs.

Dated: OCTOBER 14, 2004

Deputy Clerk